

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 225

HOUSE BILL 2325

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Permit to carry concealed weapon; qualification;
5 application; training program; program instructors;
6 report; applicability; violation; classification

7 A. The department of public safety shall issue a permit to carry a
8 concealed weapon to a person who is qualified under this section. The person
9 shall carry the permit at all times when the person is in actual possession
10 of the concealed weapon and shall present the permit for inspection to any
11 law enforcement officer on request.

12 B. A person who fails to carry the permit at all times that the person
13 is in actual possession of a concealed weapon may have the permit suspended.
14 The department of public safety shall be notified of all violations of this
15 section and shall immediately suspend the permit. The permittee shall
16 present the permit to the law enforcement agency or the court. On
17 notification of the presentation of the permit, the department shall restore
18 the permit.

19 C. The permit of a person who is arrested or indicted for an offense
20 that would make the person unqualified under the provisions of section
21 13-3101, subsection A, paragraph 6 or this section shall be immediately
22 suspended and seized. The permit of a person who becomes unqualified on
23 conviction of that offense shall be revoked. The permit shall be restored on
24 presentation of documentation from the court if the permittee is found not
25 guilty or the charges are dismissed. The permit shall be restored on
26 presentation of documentation from the county attorney that the charges
27 against the permittee were dropped or dismissed.

28 D. A person who fails to present a permit for inspection on the
29 request of a law enforcement officer is guilty of a class 2 misdemeanor. A
30 PERSON SHALL NOT BE CONVICTED OF A VIOLATION OF THIS SUBSECTION IF THE PERSON
31 PRODUCES TO THE COURT A LEGIBLE PERMIT THAT IS ISSUED TO THE PERSON AND THAT
32 WAS VALID AT THE TIME THE VIOLATION OF THIS SUBSECTION OCCURRED.

33 E. The department of public safety shall issue a permit to an
34 applicant who meets all of the following conditions:

- 35 1. Is a resident of this state or a United States citizen.
- 36 2. Is twenty-one years of age or older.
- 37 3. Is not under indictment for and has not been convicted in any
38 jurisdiction of a felony.
- 39 4. Does not suffer from mental illness and has not been adjudicated
40 mentally incompetent or committed to a mental institution.
- 41 5. Is not unlawfully present in the United States.
- 42 6. Satisfactorily completes a firearms safety training program
43 approved by the department of public safety pursuant to subsection H- 0 of
44 this section. This paragraph does not apply to a person who is an active
45 duty Arizona peace officer standards and training board certified or

1 federally credentialed peace officer or who is honorably retired as a
2 federal, state or local peace officer with a minimum of ten years of service.

3 F. The application shall be completed on a form prescribed by the
4 department of public safety. The form shall not require the applicant to
5 disclose the type of firearm for which a permit is sought. The applicant
6 shall attest under penalty of perjury that all of the statements made by the
7 applicant are true. The applicant shall submit the application to the
8 department with a certificate of completion from an approved firearms safety
9 training program, two sets of fingerprints and a reasonable fee determined by
10 the director of the department.

11 G. On receipt of an application, the department of public safety shall
12 conduct a check of the applicant's criminal history record pursuant to
13 section 41-1750. The department of public safety may exchange fingerprint
14 card information with the federal bureau of investigation for federal
15 criminal history record checks.

16 H. The department of public safety shall complete all of the required
17 qualification checks within sixty days after receipt of the application and
18 shall issue a permit within fifteen working days after completing the
19 qualification checks if the applicant meets all of the conditions specified
20 in subsection E of this section. If a permit is denied, the department of
21 public safety shall notify the applicant in writing within fifteen working
22 days after the completion of all of the required qualification checks and
23 shall state the reasons why the application was denied. On receipt of the
24 notification of the denial, the applicant has twenty days to submit any
25 additional documentation to the department. On receipt of the additional
26 documentation, the department shall reconsider its decision and inform the
27 applicant within twenty days of the result of the reconsideration. If
28 denied, the applicant shall be informed that the applicant may request a
29 hearing pursuant to title 41, chapter 6, article 10.

30 I. On issuance, a permit is valid for ~~four~~ FIVE years, EXCEPT A PERMIT
31 THAT IS HELD BY A MEMBER OF THE UNITED STATES ARMED FORCES, INCLUDING A
32 MEMBER OF THE ARIZONA NATIONAL GUARD OR A MEMBER OF THE RESERVES OF ANY
33 MILITARY ESTABLISHMENT OF THE UNITED STATES, WHO IS ON FEDERAL ACTIVE DUTY
34 AND WHO IS DEPLOYED OVERSEAS SHALL BE EXTENDED UNTIL NINETY DAYS AFTER THE
35 END OF THE MEMBER'S OVERSEAS DEPLOYMENT.

36 J. The department of public safety shall maintain a computerized
37 permit record system that is accessible to criminal justice agencies for the
38 purpose of confirming the permit status of any person who claims to hold a
39 valid permit issued by this state. This information shall not be available
40 to any other person or entity except on an order from a state or federal
41 court.

42 K. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, IT IS A DEFENSE TO
43 ANY CHARGE FOR CARRYING A DEADLY WEAPON WITHOUT A PERMIT BY A MEMBER OF THE
44 UNITED STATES ARMED FORCES, INCLUDING A MEMBER OF THE ARIZONA NATIONAL GUARD
45 OR A MEMBER OF THE RESERVES OF ANY MILITARY ESTABLISHMENT OF THE UNITED

1 STATES, IF THE MEMBER WAS ON FEDERAL ACTIVE DUTY AT THE TIME THE PERMIT
2 EXPIRED AND THE MEMBER PRESENTS DOCUMENTATION INDICATING RELEASE FROM ACTIVE
3 DUTY OR REASSIGNMENT FROM OVERSEAS DEPLOYMENT WITHIN THE PRECEDING NINETY
4 DAYS.

5 ~~K~~- L. A permit issued pursuant to this section is renewable every
6 ~~four~~ FIVE years. Before a permit may be renewed, a criminal history ~~record~~
7 RECORDS check shall be conducted pursuant to section 41-1750 within sixty
8 days after receipt of the application for renewal. FOR THE PURPOSES OF THE
9 FIRST PERMIT RENEWAL ONLY, THE PERMIT HOLDER IS REQUIRED TO SUBMIT ADDITIONAL
10 FINGERPRINTS PURSUANT TO THIS SUBSECTION. FOR THE PURPOSES OF THE SECOND OR
11 SUBSEQUENT PERMIT RENEWAL, THE PERMIT HOLDER IS NOT REQUIRED TO SUBMIT
12 ADDITIONAL FINGERPRINTS PURSUANT TO THIS SUBSECTION.

13 ~~L~~- M. Applications for renewal shall be accompanied by a fee
14 determined by the director of the department of public safety. A certificate
15 of completion of a ~~four-hour~~ TWO-HOUR refresher firearms safety training
16 program approved by the director of the department is required before a
17 renewal permit may be issued and shall accompany an application for renewal.

18 ~~M~~- N. The department of public safety shall suspend or revoke a
19 permit issued under this section if the permit holder becomes ineligible
20 pursuant to subsection E of this section. The department of public safety
21 shall notify the permit holder in writing within fifteen working days after
22 the revocation or suspension and shall state the reasons for the revocation
23 or suspension.

24 ~~N~~- O. An organization shall apply to the department of public safety
25 for approval of its firearms safety training program. The department shall
26 approve a program that meets the following requirements:

- 27 1. Is at least ~~sixteen~~ EIGHT hours in length.
28 2. Is conducted on a pass or fail basis.
29 3. Addresses all of the following topics in a format approved by the
30 director of the department:
31 (a) Legal issues relating to the use of deadly force.
32 (b) Weapon care and maintenance.
33 (c) Mental conditioning for the use of deadly force.
34 (d) Safe handling and storage of weapons.
35 (e) Marksmanship.
36 (f) Judgmental shooting.
37 4. Is conducted by instructors who submit to a background
38 investigation, including a check for warrants and a criminal history ~~record~~
39 RECORDS check.

40 ~~O~~- P. If approved pursuant to subsection ~~N~~- O of this section, the
41 organization shall submit to the department of public safety two sets of
42 fingerprints from each instructor and a fee to be determined by the director
43 of the department of public safety. On receipt of the fingerprints and fee,
44 the department of public safety shall conduct a check of each instructor's
45 criminal history record pursuant to section 41-1750. The department of

1 public safety may exchange this fingerprint card information with the federal
2 bureau of investigation for federal criminal history record checks.

3 ~~P.~~ Q. The proprietary interest of all approved instructors and
4 programs shall be safeguarded, and the contents of any training program shall
5 not be disclosed to any person or entity other than a bona fide criminal
6 justice agency, except upon an order from a state or federal court.

7 ~~Q.~~ R. If the department of public safety rejects a program, the
8 rejected organization may request a hearing pursuant to title 41, chapter 6,
9 article 10.

10 ~~R.~~ S. The department of public safety shall maintain information
11 comparing the number of permits requested, the number of permits issued and
12 the number of permits denied. The department shall annually report this
13 information to the governor and the legislature.

14 ~~S.~~ T. The director of the department of public safety shall adopt
15 rules for the purpose of implementing and administering the concealed weapons
16 permit program, including fees relating to permits issued pursuant to this
17 section.

18 ~~T.~~ U. The department of public safety shall enter into reciprocal
19 agreements with states that have concealed weapons laws substantially similar
20 to this section for the purpose of establishing a basis under which a
21 concealed weapons license or permit that is issued by either state may be
22 used by the licensee or permittee within the jurisdiction of either state. If
23 another state requires this state to enter into a reciprocal agreement before
24 accepting a concealed weapons permit issued in this state, the department of
25 public safety shall enter into the agreement if the issuing authority for the
26 other state:

27 1. Issues a permit with an expiration date printed on the permit.

28 2. Is available to verify the permit status for law enforcement
29 purposes within three business days of a request for verification.

30 3. Has disqualification, suspension and revocation requirements for
31 concealed weapons permits.

32 4. Requires that an applicant for a concealed weapons permit meet all
33 of the following conditions:

34 (a) ~~Submit~~ SUBMITS to a criminal history record RECORDS check.

35 (b) Is not prohibited from possessing firearms pursuant to federal
36 law.

37 (c) Satisfactorily completes a firearms safety program.

38 ~~U.~~ V. Notwithstanding subsection ~~T~~ U of this section, unless a
39 person would be a prohibited possessor in this state, a person who is a
40 resident of another state and who is temporarily in this state may carry a
41 concealed weapon in this state without a permit issued pursuant to this
42 section if both of the following apply:

43 1. The person is legally in this state.

1 2. The person presents a valid concealed weapons permit from another
2 state on the request of a law enforcement officer if the issuing authority
3 for the other state:

4 (a) Issues a permit with an expiration date printed on the permit.

5 (b) Has disqualification, suspension and revocation requirements for
6 concealed weapons permits.

7 (c) Requires that an applicant for a concealed weapons permit meet all
8 of the following conditions:

9 (i) Submits to a criminal history ~~record~~ RECORDS check.

10 (ii) Is not prohibited from possessing firearms pursuant to federal
11 law.

12 (iii) Satisfactorily completes a firearms safety program.

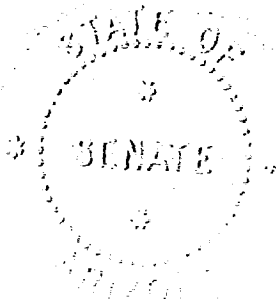
13 ~~V.~~ W. Notwithstanding the provisions of this section, a person with a
14 concealed weapons permit from another state may not carry a concealed weapon
15 in this state if the person is under twenty-one years of age or is under
16 indictment for, or has been convicted of, a felony offense in any
17 jurisdiction, even if the person's rights have been restored and the
18 conviction is expunged, set aside or vacated.

19 Sec. 2. Applicability

20 Notwithstanding section 13-3112, subsection L, Arizona Revised
21 Statutes, as amended by this act, all persons who hold current permits on the
22 effective date of this act shall submit additional fingerprints on their
23 first renewal application that is submitted after the effective date of this
24 act.

APPROVED BY THE GOVERNOR APRIL 25, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.



Passed the House March 9, 2005,

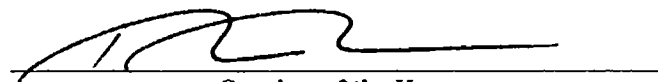
Passed the Senate April 14, 2005,

by the following vote: 36 Ayes,

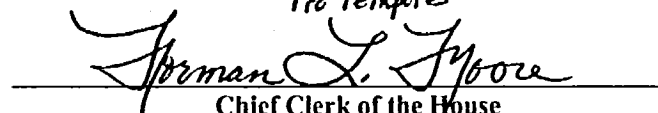
by the following vote: 28 Ayes,

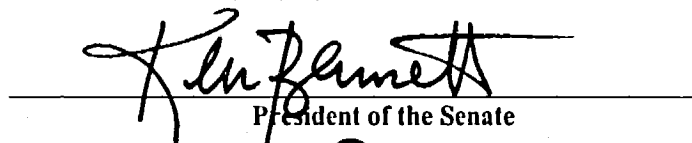
23 Nays, 1 Not Voting

1 Nays, 1 Not Voting



Speaker of the House
Pro Tempore


Chief Clerk of the House



President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2325

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 20, 2005,

by the following vote: 40 Ayes,

20 Nays, 0 Not Voting



Speaker of the House
Pro Tempore

Herman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20th day of April, 2005

at 4:40 o'clock P. M.

Wendee Updania
Secretary to the Governor

Approved this 25 day of

April, 2005,

at 10⁰⁰ o'clock A. M.

J. T. R. [Signature]
Governor of Arizona

H.B. 2325

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2005,

at 4:33 o'clock P. M.

Janice K. Brewer
Secretary of State